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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/100,934 06/22/98 STOUT

W 9278

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TM02/0813

EXAMINER

MICHAEL D. BECK
BAKER & DANIELS
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INDIANAPOLIS IN 46204

PARDON	
ART UNIT	PAPER NUMBER

2171
DATE MAILED:

08/13/01

26

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SW

Office Action Summary

Application No.
09/100,934

Applicant(s)
Stout

Examiner
Thuy Pardo

Art Unit
2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 23, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☒ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

1. Applicant's Request for Reconsideration on the Telephone Interview on July 23, 2001. The Examiner has agreed to review the finality of the Office action on June 20, 2001 in regard to the date calculations.
2. The finality of paper # 12, June 20, 2001, is hereby withdrawn, and the Amendment filed on June 18, 2001 has been entered as paper # 24. Claims 1-4 have been canceled, and claims 5 and 6 have been added.
3. Claims 5 and 6 are presented for examination.

New Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 6 are rejected under 35 U.S.C. § 103 as being unpatentable over **Adamchick** patent no. 5,761,668.
6. As to claims 5 and 6, Adamchick teaches the invention substantially as claimed, comprising:

a computer readable memory storage medium, said medium storing a plurality of date files, each said date file having 6 integers [ab; six numeric characters, 221-226 of fig. 2; col. 4, lines 54-63] and comprising:

a 4 digit decimal year represented in a first three integer form [221, 222, and 223 of fig. 2], the last two of said first three said integers representing the last two digits of the 4 digit decimal year [222 and 223 of fig. 2], the first of said first three said integers representing a designated century [C 221 of fig. 2]; and

a 3 digit decimal day represented in a second three integer form, said second three integers representing a day of a year [224, 225, and 226 of fig. 2]; whereupon addition to or subtraction of at least two of said plurality of date files, the respective sums and differences can be computed and maintained after year 1999 [Millennium Date, col. 4, lines 64 to col. 5, lines 18]; and

a central processing unit for carrying out said addition and said subtraction operations [inherent in the computer system for carrying out the operation in col. 6, lines 4-60].

However Adamchick does not explicitly teach adding said integers of one of said plurality of files to another of said plurality of files to generate a sum, and optionally; whenever necessary, adding 635 to said sum. However, this feature of adding an integer to another numbers to generate a sum is well-known in the art and well-applied in many exclusively operations. For example, odometers and other registers turn over when they are full by adding 5 to a 3-digit register containing 999 will produce 004. In this case, the three digit decimal number of the claim is used to represent the day of a 365-day of a year. Thus, adding 5 to 364 would yield 369, not the desired 004. The addition of 635 turns a module-1000 register into a module-365 register. It would have been obvious to one of

ordinary skill in the Data Processing art at the time of the invention to add 635 to the sum as needed because it would make a decimal register into a year-day register.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached at (703) 305-9707. The fax phone number for this Group is (703) 3085403.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

8. **Any response to this action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

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Art Unit: 2171

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(703) 308-5359, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,

Sixth Floor (Receptionist).



Thuy Pardo
August 08, 2001



WAYNE AMSBURY
PRIMARY PATENT EXAMINER